

SENATE BILL No. 133

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-4-5; IC 5-2-1-2; IC 5-10; IC 9-13-2-92; IC 9-18-3-6; IC 9-21-16-5.5; IC 9-22-1-2; IC 9-29-11-1; IC 14-13-2-18; IC 20-12-19.5-1; IC 33-10.5-8-3; IC 33-15-7-2; IC 35-47-4.5-3; IC 36-1-2-4.2; IC 36-2; IC 36-8; IC 36-10.

Synopsis: References to county sheriff and deputy sheriffs. Changes references to "county police force" and "county police officer" to "sheriff's office" and "deputy sheriff".

Effective: July 1, 2002.

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January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 133

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.76-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 5. The following definitions apply to the
4 construction of all Indiana statutes, unless the construction is plainly
5 repugnant to the intent of the general assembly or of the context of the
6 statute:

7 (1) "Adult", "of full age", and "person in his majority" mean a
8 person at least eighteen (18) years of age.

9 (2) "Attorney" includes a counselor or other person authorized to
10 appear and represent a party in an action or special proceeding.

11 (3) "Autism" means a neurological condition as described in the
12 most recent edition of the Diagnostic and Statistical Manual of
13 Mental Disorders of the American Psychiatric Association.

14 (4) "Bond" does not necessarily imply a seal.

15 (5) "Clerk" means the clerk of the court or a person authorized to
16 perform the clerk's duties.

17 (6) "County sheriff's office" refers to:

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(A) the county sheriff; and

(B) all county deputy sheriffs.

(7) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

~~(7)~~ **(8)** "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

~~(8)~~ **(9)** "Infant" or "minor" means a person less than eighteen (18) years of age.

~~(9)~~ **(10)** "Inhabitant" may be construed to mean a resident in any place.

~~(10)~~ **(11)** "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

~~(11)~~ **(12)** "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

~~(12)~~ **(13)** "Mentally incompetent" means of unsound mind.

~~(13)~~ **(14)** "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

~~(14)~~ **(15)** "Month" means a calendar month, unless otherwise expressed.

~~(15)~~ **(16)** "Oath" includes "affirmation", and "to swear" includes to affirm.

~~(16)~~ **(17)** "Person" extends to bodies politic and corporate.

~~(17)~~ **(18)** "Personal property" includes goods, chattels, evidences of debt, and things in action.

~~(18)~~ **(19)** "Population" refers to the population according to the most recent federal special or decennial census, special tabulation, or corrected population count effective under IC 1-1-3.5. This definition applies even if the reference is to the most recent federal decennial census.

~~(19)~~ **(20)** "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

~~(20)~~ **(21)** "Property" includes personal and real property.

~~(21)~~ **(22)** "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(22)~~ **(23)** "State", applied to any one of the United States, includes

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the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(23)~~ **(24)** "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(24)~~ **(25)** "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(25)~~ **(26)** "Will" includes a testament and codicil.

~~(26)~~ **(27)** "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(27)~~ **(28)** "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(28)~~ **(29)** "Year" means a calendar year, unless otherwise expressed.

~~(29)~~ **(30)** The definitions in IC 35-41-1 apply to all statutes relating to penal offenses.

SECTION 2. IC 5-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" shall mean an appointed officer or employee hired by and on the payroll of the state or any of its political subdivisions who is granted statutory authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, the following are hereby expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

(B) A special officer, including a special officer receiving only token payment for services.

(C) A county ~~police~~ reserve ~~officer~~ **deputy sheriff** who receives compensation for lake patrol duties under IC 36-8-3-20(f)(4).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.



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(2) "Board" shall mean the law enforcement training board created by this chapter.

(3) "Advisory council" shall mean the law enforcement advisory council created by this chapter.

SECTION 3. IC 5-10-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. Each retirement plan for employees of the state or of a political subdivision shall report annually on September 1 to the public employees' retirement fund the information from the preceding fiscal year necessary for the actuary of the fund to perform an actuarial valuation of each plan. Where the director and actuary of the fund consider it appropriate, the actuary may combine one (1) retirement plan with another or with the public employees' retirement fund for the purposes of the actuarial valuation. The retirement plans covered by this chapter are the following:

(1) The state excise police and conservation enforcement officers' retirement plan established under IC 5-10-5.5.

(2) The "trust fund" and "pension trust" of the state police department established under IC 10-1-2.

(3) Each of the police pension funds established or covered under IC 19-1-18, IC 19-1-30, IC 19-1-25-4, or IC 36-8.

(4) Each of the firemen's pension funds established or covered under IC 19-1-37, IC 18-1-12, IC 19-1-44, or IC 36-8.

(5) Each of the retirement funds for utility employees authorized under IC 19-3-22 or IC 36-9 or established under IC 19-3-31.

(6) Each county ~~police force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** pension trust and trust fund authorized under IC 17-3-14 or IC 36-8.

(7) The Indiana judges' retirement fund established under IC 33-13-8.

(8) Each retirement program adopted by a board of a local health department as authorized under IC 16-1-4-25 (before its repeal) or IC 16-20-1-3.

(9) Each retirement benefit program of a joint city-county health department under IC 16-1-7-16 (before its repeal).

(10) Each pension and retirement plan adopted by the board of trustees or governing body of a county hospital as authorized under IC 16-12.1-3-8 (before its repeal) or IC 16-22-3-11.

(11) Each pension or retirement plan and program for hospital personnel in certain city hospitals as authorized under IC 16-12.2-5 (before its repeal) or IC 16-23-1.

(12) Each retirement program of the health and hospital corporation of a county as authorized under IC 16-12-21-27

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(before its repeal) or IC 16-22-8-34.

(13) Each pension plan provided by a city, town, or county housing authority as authorized under IC 36-7.

(14) Each pension and retirement program adopted by a public transportation corporation as authorized under IC 36-9.

(15) Each system of pensions and retirement benefits of a regional transportation authority as authorized or required by IC 36-9.

(16) Each employee pension plan adopted by the board of an airport authority under IC 8-22-3.

(17) The pension benefit paid for the national guard by the state as established under IC 10-2-4.

(18) The pension fund allowed employees of the Wabash Valley interstate commission as authorized under IC 13-5-1-3.

(19) Each system of pensions and retirement provided by a unit under IC 36-1-3.

SECTION 4. IC 5-10-8-2.2, AS AMENDED BY P.L.286-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.2. (a) As used in this section, "dependent" means a natural child, stepchild, or adopted child of a public safety employee who:

(1) is less than eighteen (18) years of age;

(2) is eighteen (18) years of age or older and physically or mentally disabled (using disability guidelines established by the Social Security Administration); or

(3) is at least eighteen (18) and less than twenty-three (23) years of age and is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university.

(b) As used in this section, "public safety employee" means a full-time firefighter, police officer, county ~~police officer~~, **deputy sheriff**, or sheriff.

(c) This section applies only to local unit public employers and their public safety employees.

(d) A local unit public employer may provide programs of group health insurance for its active and retired public safety employees through one (1) of the following methods:

(1) By purchasing policies of group insurance.

(2) By establishing self-insurance programs.

(3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

A local unit public employer may provide programs of group insurance

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other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) After June 30, 1989, a local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

(1) Retired public safety employees.

(2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.

(3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A retired or disabled public safety employee who is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

(1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and

(3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) A surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

(1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and

(3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected

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by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or dependents' premiums).

(j) A retired or disabled public safety employee's eligibility for group health insurance under this section ends on the earlier of the following:

(1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) The date of the surviving spouse's remarriage.

(4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) When the dependent no longer meets the criteria set forth in subsection (a).

(4) When health insurance becomes available to the dependent through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health

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insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 5. IC 5-10-10-4, AS AMENDED BY P.L.246-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county ~~police officer~~ **deputy sheriff**.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county ~~police reserve officer~~ **deputy sheriff**.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state university police officer appointed under IC 20-12-3.5.
- (13) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

SECTION 6. IC 9-13-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

- (1) A state police officer.
- (2) A city ~~or town or county~~ police officer.
- (3) A sheriff ~~or deputy sheriff~~.
- (4) A county coroner.
- (5) A conservation officer.

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1.

SECTION 7. IC 9-18-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. The bureau may issue distinctive permanent plates under this chapter to each of the following:

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- (1) The state police department.
- (2) The department of natural resources.
- (3) County ~~police departments~~; **sheriff's office (as defined in IC 36-1-2-4.2).**
- (4) City police departments.

SECTION 8. IC 9-21-16-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5.5. (a) This section applies to a fire lane that is located on property that is privately or publicly owned.

(b) A person may not stop, stand, or park a vehicle in a fire lane.

(c) This section may be enforced by any of the following law enforcement officers:

- (1) A state police officer.
- (2) A city ~~or town or county~~ police officer.
- (3) A sheriff ~~or deputy sheriff~~.

SECTION 9. IC 9-22-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter, "officer" means the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of the county ~~police force~~; **sheriff's office (as defined in IC 36-1-2-4.2).**
- (5) An individual of an agency designated by ordinance of the fiscal body.

SECTION 10. IC 9-29-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than three dollars (\$3) for each report.

(b) The fee collected under subsection (a) shall be deposited in the following manner:

- (1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
- (2) If the department supplying a copy of the accident report is the ~~sheriff~~, county ~~police~~; **sheriff's office (as defined in IC 36-1-2-4.2)** or county coroner, in a separate account known as

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the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

SECTION 11. IC 14-13-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. The commission may do the following:

(1) Adopt bylaws for the regulation of the commission's affairs and the conduct of the commission's business.

(2) Adopt an official seal, which may not be the seal of the state.

(3) Maintain a principal office and other offices that the commission designates.

(4) Sue and be sued in the name and style of "Little Calumet River Basin Development Commission", with service of process being made upon the chairman of the commission by leaving a copy at the principal office of the commission.

(5) Acquire by grant, purchase, gift, devise, lease, eminent domain, or otherwise and hold, use, sell, lease, or dispose of:

(A) real and personal property of every kind and nature; and

(B) any right and interest;

necessary for the full exercise or convenient or useful for the carrying on of any of the commission's powers under this chapter.

(6) Exercise within Indiana and in the name of the state of Indiana the power of eminent domain under Indiana law governing the exercise of the power of eminent domain for any public purposes.

(7) Fix, collect, and review admission charges, entrance fees, tolls, and other user charges for the use of a facility within the projects owned or leased by the commission or dedicated to the commission by a political subdivision of the state or a public agency, department, or commission having jurisdiction of the facility.

(8) Acquire by fee or by lease, obtain option on, hold, and dispose of real and personal property reasonably necessary and proper to the exercise of the commission's powers and the performance of the commission's duties under this chapter.

(9) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the commission's duties and the execution of the commission's

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1 powers under this chapter.

2 (10) Employ and fix the compensation of an executive director or
3 manager, consulting engineers, superintendents, and other
4 engineers, construction and accounting experts, attorneys, and
5 other employees and agents necessary in the commission's
6 judgment.

7 (11) Conduct studies of the financial feasibility of the flood
8 control and park and recreational projects and facilities,
9 betterments, and improvements within those projects.

10 (12) Avail itself of the services of professional and other
11 personnel employed by an agency, a department, or a commission
12 of the state for purposes of studying the feasibility of or designing,
13 constructing, or maintaining the projects or a facility within those
14 projects.

15 (13) Receive and accept:

16 (A) from the federal government or a federal agency or
17 department grants for or in aid of the acquisition, construction,
18 improvement, or development of any part of the projects of the
19 commission; and

20 (B) aid or contributions from any source of money, property,
21 labor, or other things of value;

22 to be held, used, and applied only for the purposes, consistent
23 with the purposes of this chapter, for which the grants and
24 contributions may be made.

25 (14) Hold, use, administer, and expend money that is appropriated
26 or transferred to the commission.

27 (15) Assist or cooperate with a political subdivision or public
28 agency, department, or commission, including the payment of
29 money or the transfer of property to the political subdivision or
30 public agency, department, or commission by the commission if
31 the commission considers the assistance or cooperation
32 appropriate in furtherance of the purposes of this chapter.

33 (16) Accept assistance and cooperation from a political
34 subdivision or public agency, department, or commission,
35 including the acceptance of money or property by the commission
36 from the political subdivision or public agency, department, or
37 commission, if the commission considers the assistance or
38 cooperation appropriate in furtherance of the purposes of this
39 chapter.

40 (17) Do all acts and things necessary or proper to carry out the
41 powers expressly granted in this chapter.

42 (18) Enter into and carry out the terms of a nonfederal interest (as

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defined by 42 U.S.C. 1962d-5b).

(19) Provide police protection for the commission's property and activities by:

(A) requesting assistance from state ~~or city or county~~ police authorities **or the county sheriff's office (as defined in IC 36-1-2-4.2);** or

(B) having specified employees deputized as police officers.

(20) Make contracts and leases for facilities and services.

(21) Appoint the administrative officers and employees necessary to carry out the work of the commission, fix their duties and compensation, and delegate authority to perform ministerial acts in all cases except where final action of the commission is necessary.

(22) Engage in self-supporting activities.

(23) Contract for special and temporary services and for professional assistance.

(24) Invoke any legal, equitable, or special remedy for the enforcement of this chapter.

SECTION 12. IC 20-12-19.5-1, AS AMENDED BY P.L.52-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The children of:

(1) regular, paid law enforcement officers;

(2) regular, paid firefighters;

(3) volunteer firefighters under IC 36-8-12-2;

(4) county ~~police reserve officers;~~ **deputy sheriffs;** or

(5) city police reserve officers;

who have been killed in the line of duty shall not be required to pay tuition or mandatory fees at any state supported college, university, or technical school, so long as the children are under the age of twenty-three (23) and are full-time students pursuing a prescribed course of study.

(b) The surviving spouse of a:

(1) regular, paid law enforcement officer;

(2) regular, paid firefighter;

(3) volunteer firefighter under IC 36-8-12-2;

(4) county ~~police reserve officer;~~ **deputy sheriffs;** or

(5) city police reserve officer;

who has been killed in the line of duty may not be required to pay tuition or mandatory fees at any state supported college, university, or technical school, so long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

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(c) This section applies to the children and surviving spouse of a:

- (1) regular, paid law enforcement officer;
- (2) regular, paid firefighter;
- (3) volunteer firefighter under IC 36-8-12-2;
- (4) county ~~police reserve officer~~; **deputy sheriff**; or
- (5) city police reserve officer;

if the public safety officer described in this subsection was killed in the line of duty before, on, or after July 1, 1993.

SECTION 13. IC 33-10.5-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The county shall furnish all supplies, including all blanks, forms, and papers of every kind required for use in all cases, and all furniture, books, papers, stationery, recording devices, and other equipment and supplies of every character necessary for the keeping of the records of the proceedings and maintaining of the county court.

(b) The county shall provide a suitable place or places for the holding of court for the judge of the county court sitting in the county. The county shall pay the salary of the deputy clerk, county ~~police officer~~, **sheriff or deputy sheriff**, bailiff, and reporter assigned to the county court as prescribed by law.

SECTION 14. IC 33-15-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. Such sheriff, by himself or a county ~~police officer~~; **deputy sheriff**, shall attend such court in term time, execute all the orders thereof, preserve order therein, and execute, by himself or a county ~~police officer~~; **deputy sheriff**, all process issued out of such court.

SECTION 15. IC 35-47-4.5-3, AS ADDED BY P.L.70-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. As used in this chapter, "public safety officer" means:

- (1) a state police officer;
- (2) a county sheriff;
- (3) a county ~~police officer~~; **deputy sheriff**;
- (4) a correctional officer;
- (5) an excise police officer;
- (6) a county ~~police reserve officer~~; **deputy sheriff**;
- (7) a city police officer;
- (8) a city police reserve officer;
- (9) a conservation enforcement officer;
- (10) a town marshal;
- (11) a deputy town marshal;
- (12) a state university police officer appointed under



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1 IC 20-12-3.5;

2 (13) a probation officer;

3 (14) a firefighter (as defined in IC 9-18-34-1);

4 (15) an emergency medical technician; or

5 (16) a paramedic.

6 SECTION 16. IC 36-1-2-4.2 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2002]: **Sec. 4.2. "County sheriff's office" refers to:**

9 **(1) the county sheriff; and**

10 **(2) all county deputy sheriffs.**

11 SECTION 17. IC 36-2-2-15 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15.** (a) The county
13 auditor or a member of the executive may administer all oaths required
14 by this chapter.

15 (b) The executive may:

16 (1) punish contempt by a fine of not more than three dollars (\$3)

17 or by imprisonment for not more than twenty-four (24) hours; and

18 (2) enforce its orders by attachment or other compulsory process.

19 (c) Fines assessed by the executive shall be executed, collected, and
20 paid over in the same manner as other fines.

21 (d) The county sheriff or a county ~~police officer~~ **deputy sheriff** shall
22 attend the meetings of the executive, if requested by the executive, and
23 shall execute its orders.

24 SECTION 18. IC 36-2-3-6 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 6.** (a) At its regular
26 meeting required by section 7(b)(1) of this chapter, the fiscal body shall
27 elect a president and president pro tempore from its members.

28 (b) The county auditor is the clerk of the fiscal body and shall:

29 (1) preserve the fiscal body's records in his office;

30 (2) keep an accurate record of the fiscal body's proceedings;

31 (3) record the ayes and nays on each vote appropriating money or
32 fixing the rate of a tax levy; and

33 (4) record the ayes and nays on other votes when requested to do
34 so by two (2) or more members.

35 (c) The county sheriff or a county ~~police officer~~ **deputy sheriff** shall
36 attend the meetings of the fiscal body, if requested by the fiscal body,
37 and shall execute its orders.

38 (d) The fiscal body may employ legal and administrative personnel
39 necessary to assist and advise it in the performance of its functions and
40 duties.

41 SECTION 19. IC 36-8-3-20 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2002] : **Sec. 20.** (a) This section

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1 applies to counties and towns as well as cities.

2 (b) A unit may provide by ordinance for any number of police
3 reserve officers.

4 (c) Police reserve officers shall be appointed by the same authority
5 that appoints regular members of the department.

6 (d) Police reserve officers may be designated by another name
7 specified by ordinance.

8 (e) Police reserve officers may not be members of the regular police
9 department but have all of the same police powers as regular members,
10 except as limited by the rules of the department. Each department may
11 adopt rules to limit the authority of police reserve officers.

12 (f) To the extent that money is appropriated for a purpose listed in
13 this subsection, police reserve officers may receive any of the
14 following:

15 (1) A uniform allowance.

16 (2) Compensation for time lost from other employment because
17 of court appearances.

18 (3) Insurance for life, accident, and sickness coverage.

19 (4) In the case of county ~~police~~ reserve officers, **deputy sheriffs**,
20 compensation for lake patrol duties that the county sheriff assigns
21 and approves for compensation.

22 (g) Police reserve officers are not eligible to participate in any
23 pension program provided for regular members of the department.

24 (h) A police reserve officer may not be appointed until he has
25 completed the training and probationary period specified by rules of the
26 department.

27 (i) A police reserve officer appointed by the department after June
28 30, 1993, may not:

29 (1) make an arrest;

30 (2) conduct a search or a seizure of a person or property; or

31 (3) carry a firearm;

32 unless the police reserve officer successfully completes a pre-basic
33 course under IC 5-2-1-9(f).

34 (j) A police reserve officer may be covered by the medical treatment
35 and burial expense provisions of the worker's compensation law
36 (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases
37 law (IC 22-3-7). If compensability of the injury is an issue, the
38 administrative procedures of IC 22-3-2 through IC 22-3-6 and
39 IC 22-3-7 shall be used to determine the issue.

40 (k) A police reserve officer carrying out lake patrol duties under this
41 chapter is immune from liability under IC 34-30-12, notwithstanding
42 the payment of compensation to the officer.

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SECTION 20. IC 36-8-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter:

"Board" refers to the sheriff's merit board established under this chapter.

"Department" refers to the sheriff's department of a county.

"Eligible employee" means the sheriff of a county or a county ~~police officer~~ **deputy sheriff**.

"Employee beneficiary" means an eligible employee who has completed an application to become an employee beneficiary and who has had the proper deductions made from his wages as required in the pension trust agreement.

"Net amount paid into the trust fund from wages of an employee beneficiary" means the amount of money actually paid in from the wages of the employee beneficiary, plus interest at the rate of three percent (3%) compounded annually and less a sum including interest at the same rate, paid from the trust fund to the employee beneficiary or to a governmental fund for the credit or benefit of the employee beneficiary.

"Pension engineers" means technical consultants qualified to supervise and assist in the establishment, maintenance, and operation of a pension trust on an actuarially sound basis.

"Trust fund" means the assets of the pension trust and consists of voluntary contributions from the department, money paid from the wages of employee beneficiaries, and other payments or contributions made to the pension trust, including the income and proceeds derived from the investment of them.

"Trustee" refers to the trustee of the pension trust, who may be one (1) or more corporate trustees or the treasurer of the county serving under bond.

SECTION 21. IC 36-8-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The fiscal body of each county shall, by ordinance, establish a sheriff's merit board to be known as the _____ county sheriff's merit board (inserting the name of the county).

(b) The board consists of five (5) members. Three (3) members shall be appointed by the sheriff, and two (2) members shall be elected by a majority vote of the members of the county ~~police force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** under procedures established by the sheriff's merit board. However, no active county ~~police officer~~ **deputy sheriff** may serve on the board. Appointments are for terms of four (4) years or for the remainder of an unexpired term. Not more than two (2)

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1 of the members appointed by the sheriff nor more than one (1) of the
 2 members elected by the officers may belong to the same political party.
 3 All members must reside in the county. All members serve during their
 4 respective terms and until their successors have been appointed and
 5 qualified. A member may be removed for cause duly adjudicated by
 6 declaratory judgment of the circuit court of the county.

7 (c) As compensation for service, each member of the board is
 8 entitled to receive from the county a minimum of fifteen dollars (\$15)
 9 per day for each day, or fraction of a day, that the member is engaged
 10 in transacting the business of the board.

11 (d) As soon as practicable after the members of the board have been
 12 appointed, they shall meet upon the call of the sheriff and organize by
 13 electing a president and a secretary from among their membership.
 14 Three (3) members of the board constitute a quorum for the transaction
 15 of business. The board shall hold regular monthly meetings throughout
 16 the year as is necessary to transact the business of the sheriff's
 17 department.

18 SECTION 22. IC 36-8-10-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A county ~~police~~
 20 ~~force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** is established in
 21 each county. The members are employees of the county, and the sheriff
 22 of the county shall assign their duties according to law.

23 (b) The expenses of the **members of the county police force**
 24 **sheriff's office (as defined in IC 36-1-2-4.2)** are a part of the sheriff's
 25 department budget. The board may recommend the number and salary
 26 of the personnel, but the county fiscal body shall determine the budget
 27 and salaries.

28 (c) The county shall furnish to the sheriff and ~~his~~ **the sheriff's**
 29 full-time paid county ~~police officers~~ **deputy sheriffs** the uniforms or
 30 other clothing they need to perform their duties. However, after one (1)
 31 year of service in the sheriff's department, a sheriff or ~~or~~ county ~~police~~
 32 ~~officer~~ **deputy sheriff** may be required by the county to furnish and
 33 maintain his own uniform clothing upon payment to him by the county
 34 of an annual cash allowance of at least two hundred dollars (\$200).

35 SECTION 23. IC 36-8-10-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Each sheriff shall
 37 appoint a prison matron for the county. The sheriff shall set the
 38 qualifications for that position. Except as provided in subsection (b),
 39 the sheriff has complete hiring authority over the position of prison
 40 matron.

41 (b) A prison matron who was a county ~~police officer~~ **deputy sheriff**
 42 appointed under section 10(b) of this chapter immediately before being

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hired as prison matron is entitled to the discipline and removal procedures under section 11 of this chapter before:

- (1) being reduced in grade to a rank below the rank that the person held before being hired as prison matron; or
- (2) removal from the department.

(c) The sheriff may employ assistant prison matrons if necessary.

(d) The prison matron or the prison matron's assistants shall receive, search, and care for all female prisoners and all boys under fourteen (14) years of age who are committed to or detained in the county jail, municipal lockup, or other detention center in the county.

(e) The prison matron and assistant matrons:

- (1) are members of the department;
- (2) have the powers and duties of members of the department; and
- (3) are entitled to the same salary that other members of the department of the same rank, grade, or position are paid.

SECTION 24. IC 36-8-10-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5.5. (a) Except as provided in subsection (b), the sheriff has complete hiring authority over the position of chief deputy.

(b) A chief deputy who was a county ~~police officer~~ **deputy sheriff** appointed under section 10(b) of this chapter immediately before being hired as chief deputy is entitled to the discipline and removal procedures under section 11 of this chapter before:

- (1) being reduced in grade to a rank below the rank that the person held before being hired as chief deputy; or
- (2) removal from the department.

SECTION 25. IC 36-8-10-10, AS AMENDED BY P.L.14-2000, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) Except for the position of chief deputy, the position of prison matron, and in a county with a population of more than fifty thousand (50,000), temporary administrative ranks or positions established and appointed by the sheriff, the sheriff, with the approval of the board, shall establish a classification of ranks, grades, and positions for county ~~police officers~~ **deputy sheriffs** in the department. For each rank, grade, and position established, the sheriff, with the approval of the board, shall:

- (1) set reasonable standards of qualifications; and
- (2) fix the prerequisites of:
 - (A) training;
 - (B) education; and
 - (C) experience.

(b) The sheriff, with the approval of the board, shall devise and



administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the sheriff and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the sheriff and the board, best meet the prescribed standards and prerequisites. The sheriff appoints county ~~police officers~~ **deputy sheriffs** but only from among the persons whose names appear on this list. All county ~~police officers~~ **deputy sheriffs** appointed to the department under this chapter are on probation for a period of one (1) year from the date of appointment.

(c) In a county with a population of more than fifty thousand (50,000), the sheriff may:

(1) establish a temporary administrative rank or position within the county ~~police~~ **sheriff's** department; and

(2) appoint a county ~~police officer~~ **deputy sheriff** that has served as a county ~~police officer~~ **deputy sheriff** for at least five (5) years to and remove a county ~~police officer~~ **deputy sheriff** from a temporary administrative rank or position;

without the approval of the board. Any temporary administrative rank or position established pursuant to this section shall not diminish or reduce the number and classifications of the existing merit ranks within the county ~~police~~ **sheriff's** department. A county ~~police officer~~ **deputy sheriff** appointed under this subsection must have served as a county ~~police officer~~ **deputy sheriff** in the county ~~police~~ **sheriff's** department for at least five (5) years before the appointment. A county ~~police officer~~ **deputy sheriff** retains the rank, grade, or position awarded under subsection (b) while serving in a temporary administrative rank or position. This subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

(d) In a county with a population of more than fifty thousand (50,000), the sheriff, with the approval of the board, shall establish written rules and regulations governing the discipline of county ~~police officers~~ **deputy sheriffs**. Rules and regulations established by a sheriff under this subsection must conform to the disciplinary procedure required by section 11 of this chapter.

SECTION 26. IC 36-8-10-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10.6. (a) The sheriff may appoint as a special deputy any person who is employed by a governmental entity as defined in IC 35-41-1 or private employer, the nature of which employment necessitates that the person have the powers of a law enforcement officer. During the term of his appointment and while he is fulfilling the specific responsibilities for

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which the appointment is made, a special deputy has the powers, privileges, and duties of a county ~~police officer~~ **deputy sheriff** under this chapter, subject to any written limitations and specific requirements imposed by the sheriff and signed by the special deputy. A special deputy is subject to the direction of the sheriff and shall obey the rules and orders of the department. A special deputy may be removed by the sheriff at any time, without notice and without assigning any cause.

(b) The sheriff shall fix the prerequisites of training, education, and experience for special deputies, subject to the minimum requirements prescribed by this subsection. Applicants must:

- (1) be twenty-one (21) years of age or older;
- (2) never have been convicted of a felony, or a misdemeanor involving moral turpitude;
- (3) be of good moral character; and
- (4) have sufficient training to insure the proper performance of their authorized duties.

(c) Except as provided in subsection (d), a special deputy shall wear a uniform the design and color of which is easily distinguishable from the uniforms of the Indiana state police, the regular county ~~police force~~, **sheriff's office (as defined in IC 36-1-2-4.2)**, and all municipal police and fire forces located in the county.

(d) The sheriff may permit a special deputy to wear the uniform of the regular county ~~police force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** if the special deputy:

- (1) has successfully completed the minimum basic training requirements under IC 5-2-1;
- (2) is periodically assigned by the sheriff to duties of a regular county ~~police officer~~, **deputy sheriff**; and
- (3) is an employee of the department.

The sheriff may revoke permission for the special deputy to wear the uniform of the regular county ~~police force~~ **sheriff's office (as defined in IC 36-1-2-4.2)** at any time without cause or notice.

(e) The sheriff may also appoint one (1) legal deputy, who must be a member of the Indiana bar. The legal deputy does not have police powers. The legal deputy may continue to practice law. However, neither the legal deputy nor any attorney in partnership with him may represent a defendant in a criminal case.

(f) The sheriff, for the purpose of guarding prisoners in the county jail:

- (1) in counties not having a consolidated city, may appoint special deputies to serve as county jail guards; and

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(2) in counties having a consolidated city, shall appoint only special deputies to serve as county jail guards.

This subsection does not affect the rights or liabilities accrued by any county ~~police officer~~ **deputy sheriff** assigned to guard the jail before August 31, 1982.

SECTION 27. IC 36-8-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) The sheriff may dismiss, demote, or temporarily suspend a county ~~police officer~~ **deputy sheriff** for cause after preferring charges in writing and after a fair public hearing before the board, which is reviewable in the circuit court. Written notice of the charges and hearing must be delivered by certified mail to the officer to be disciplined at least fourteen (14) days before the date set for the hearing. The ~~officer~~ **deputy sheriff** may be represented by counsel. The board shall make specific findings of fact in writing to support its decision.

(b) The sheriff may temporarily suspend ~~an officer~~ **a deputy sheriff** with or without pay for a period not exceeding fifteen (15) days, without a hearing before the board, after preferring charges of misconduct in writing delivered to the ~~officer~~ **deputy sheriff**.

(c) A county ~~police officer~~ **deputy sheriff** may not be dismissed, demoted, or temporarily suspended because of political affiliation nor after the officer's probationary period, except as provided in this section. ~~An officer~~ **A deputy sheriff** may:

- (1) be a candidate for elective office and serve in that office if elected;
- (2) be appointed to an office and serve in that office if appointed; and
- (3) except when in uniform or on duty, solicit votes or campaign funds for the officer or others.

(d) The board has subpoena powers enforceable by the circuit court for hearings under this section. ~~An officer~~ **A deputy sheriff** on probation may be dismissed by the sheriff without a right to a hearing.

(e) An appeal under subsection (a) must be taken by filing in court, within thirty (30) days after the date the decision is rendered, a verified complaint stating in a concise manner the general nature of the charges against the officer, the decision of the board, and a demand for the relief asserted by the ~~officer~~ **deputy sheriff**. A bond must also be filed that guarantees the appeal will be prosecuted to a final determination and that the plaintiff will pay all costs only if the court finds that the board's decision should be affirmed. The bond must be approved as bonds for costs are approved in other cases. The county must be named as the sole defendant and the plaintiff shall have a summons issued as

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1 in other cases against the county. Neither the board nor the members
 2 of it may be made parties defendant to the complaint, but all are bound
 3 by service upon the county and the judgment rendered by the court.

4 (f) All appeals shall be tried by the court. The appeal shall be heard
 5 de novo only upon any new issues related to the charges upon which
 6 the decision of the board was made. Within ten (10) days after the
 7 service of summons, the board shall file in court a complete written
 8 transcript of all papers, entries, and other parts of the record relating to
 9 the particular case. Inspection of these documents by the person
 10 affected, or by the person's agent, must be permitted by the board
 11 before the appeal is filed, if requested. The court shall review the
 12 record and decision of the board on appeal.

13 (g) The court shall make specific findings and state the conclusions
 14 of law upon which its decision is made. If the court finds that the
 15 decision of the board appealed from should in all things be affirmed,
 16 its judgment should so state. If the court finds that the decision of the
 17 board appealed from should not be affirmed in all things, then the court
 18 shall make a general finding, setting out sufficient facts to show the
 19 nature of the proceeding and the court's decision on it. The court shall
 20 either:

- 21 (1) reverse the decision of the board; or
- 22 (2) order the decision of the board to be modified.

23 (h) The final judgment of the court may be appealed by either party.
 24 Upon the final disposition of the appeal by the courts, the clerk shall
 25 certify and file a copy of the final judgment of the court to the board,
 26 which shall conform its decisions and records to the order and
 27 judgment of the court. If the decision is reversed or modified, then the
 28 board shall pay to the party entitled to it any salary or wages withheld
 29 from the party pending the appeal and to which the party is entitled
 30 under the judgment of the court.

31 (i) Either party shall be allowed a change of venue from the court or
 32 a change of judge in the same manner as such changes are allowed in
 33 civil cases. The rules of trial procedure govern in all matters of
 34 procedure upon the appeal that are not otherwise provided for by this
 35 section.

36 (j) An appeal takes precedence over other pending litigation and
 37 shall be tried and determined by the court as soon as practical.

38 SECTION 28. IC 36-8-10-11.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11.5. (a) As used in this
 40 section, "care" includes:

- 41 (1) medical and surgical care;
- 42 (2) medicines and laboratory, curative, and palliative agents and

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means;

(3) X-ray, diagnostic, and therapeutic service, including service during the recovery period; and

(4) hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(b) After deducting expenditures paid by an insurance or worker's compensation program, a county shall pay for the care of the following persons:

(1) A county ~~police officer~~ **deputy sheriff** who:

(A) suffers an injury; or

(B) contracts an illness;

while the ~~officer~~ **deputy sheriff** is on duty or while the ~~officer~~ **deputy sheriff** is off duty and is responding to an offense or a reported offense.

(2) A jail employee who:

(A) suffers an injury; or

(B) contracts an illness;

while the employee is on duty.

(c) Expenditures required by subsection (b) shall be paid from the general fund of the county.

SECTION 29. IC 36-8-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. A sheriff may participate in the pension trust in the same manner as a county ~~police officer~~ **deputy sheriff**. In addition, a sheriff who is not participating in the pension trust after the creation of the pension trust in his county may make a payment to the pension trust in the amount of contributions he would have made had he been participating while a sheriff, plus interest at three percent (3%) compounded annually. The sheriff is entitled to credit for the years of service as a sheriff for all purposes of the pension trust if he makes this payment.

SECTION 30. IC 36-10-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) The board shall:

(1) exercise general supervision of and make rules for the department;

(2) establish rules governing the use of the park and recreation facilities by the public;

(3) provide police protection for its property and activities, either by requesting assistance from state ~~or~~ municipal ~~or~~ county police authorities **or from the county sheriff's office (as defined in IC 36-1-2-4.2)** or by having specified employees deputized as police officers; the deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers;

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(4) appoint the necessary administrative officers of the department and fix their duties;

(5) establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics;

(6) make recommendations and an annual report to the executive and fiscal body of the unit concerning the operation of the board and the status of park and recreation programs in the district;

(7) prepare and submit an annual budget in the same manner as other executive departments of the unit; and

(8) appoint a member of the board to serve on another kind of board or commission, whenever a statute allows a park or recreation board to do this.

(b) In a municipality, the board shall fix the compensation of officers and personnel appointed under subsections (a)(4) and (a)(5), subject to IC 36-4-7-5 and IC 36-4-7-6.

SECTION 31. IC 36-10-7.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. The park governor shall do the following:

(1) Exercise general supervision of and make rules for the department.

(2) Establish rules governing the use of the park and recreation facilities by the public.

(3) Provide police protection for park property and activities, either by requesting assistance from state ~~or municipal or county~~ police authorities or **the county sheriff's office (as defined in IC 36-1-2-4.2)** or by having specified employees deputized as police officers. The deputized employees, however, are not eligible for police pension benefits or other emoluments of police officers.

(4) Appoint the necessary administrative officers of the department and fix their duties.

(5) Establish standards and qualifications for the appointment of all personnel and approve their appointments without regard to politics.

(6) Make recommendations and an annual report to the legislative body concerning the operation of the department and the status of park and recreation programs in the township.

(7) Prepare and submit an annual budget in the same manner as other budgets of the township.

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